

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-1254V

Filed: January 15, 2016

Unpublished

STACEY SPOSSEY, *
*
Petitioner, * Ruling on Entitlement; Concession;
* Influenza ("flu") Vaccine; Shoulder Injury
* Related to Vaccine Administration
SECRETARY OF HEALTH * ("SIRVA"); Special Processing Unit
AND HUMAN SERVICES, * ("SPU")
*
Respondent. *
*

*Michael McLaren, Black McLaren, et al., PC, for petitioner.
Jennifer Reynaud, U.S. Department of Justice, Washington, DC, for respondent.*

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On October 26, 2015, Stacey Spossey ("petitioner") filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the "Vaccine Act" or "Program"). Petitioner alleges that she received an influenza ("flu") vaccine on October 17, 2014, and subsequently suffered an injury to her left shoulder as a result. Petition at 1-2. The case was assigned to the Special Processing Unit ("SPU") of the Office of Special Masters.

On January 15, 2016, respondent filed a Rule 4(c) report in which she conceded entitlement to compensation. Respondent's Rule 4(c) Report at 1, 4. Specifically, respondent concluded, based on her review of the evidence, that petitioner's alleged injury is consistent with a shoulder injury related to vaccine administration ("SIRVA") and that it was caused-in-fact by the administration of the flu vaccine she received on October 17, 2014. *Id.* at 4. Respondent further stated that the medical evidence shows

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

petitioner has suffered the condition for more than six months. *Id.* No other causes for petitioner's SIRVA were identified by respondent. *Id.* Petitioner has therefore satisfied all legal prerequisites for compensation under the Vaccine Act. *Id.*

In view of respondent's concession and the evidence of record, the undersigned finds that petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Nora Beth Dorsey
Nora Beth Dorsey
Chief Special Master